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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ashar Aziz, et al.) Confirmation No.: 4906
Serial No.: 09/911,925) Examiner: Daniel S. Felten
Filed on: July 23, 2001) Group Art Unit No.: 3624

For: APPROACH FOR DETERMINING AN AMOUNT TO BILL A CUSTOMER FOR
THE USE OF RESOURCES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The references were cited during the prosecution of the parent application, serial number 09/502,170. Enclosed is a copy of Information Disclosure Citation Form PTO-1449 and it is respectfully requested that the cited documents be considered and be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

_____ 37 C.F.R. §1.97(b).

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X

37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

_____ A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

X A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

(1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: May 9, 2005



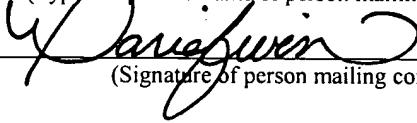
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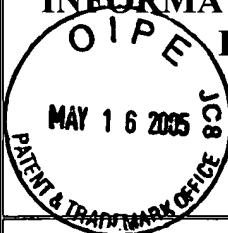
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Maria Eivers

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449)			
		ATTY. DOCKET NO. 55218-0511	SERIAL NO. 09/911,925
		APPLICANT: Ashar Aziz et al.	
		FILING DATE: July 23, 2001	GROUP: 3624

U.S. PATENT DOCUMENTS

Exam. Initial*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (If known)			
		4,591,967		Mattes et al.	05-27-1986	
		5,163,130		Hullot	11-10-1992	
		5,504,670		Barth et al.	04-02-1996	
		5,574,914		Hancock, et al.	11-12-1996	
		5,590,284		Crosetto	12-31-1996	
		5,659,786		George et al.	08-19-1997	
		5,751,967		Raab et al.	05-12-1998	
		5,819,042		Hansen	10-06-1998	
		5,821,937		Tonelli et al.	10-13-1998	
		5,878,232		Marimuthu	03-02-1999	
		5,951,683		Yuuki et al.	09-14-1999	
		5,974,563		Beeler, Jr.	10-26-1999	
		6,182,139	B1	Brendal	01-30-2001	
		6,219,699	B1	McGloghrie et al.	04-17-2001	
		6,223,218	B1	Iijima	04-24-2001	

FOREIGN PATENT DOCUMENTS

Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (If known)				
		EP	0 262 750	A2	Thinking Machines Corporation	04-06-1988		
		EP	0 490 624	A2	International Business Machines Corporation	06-17-1992		

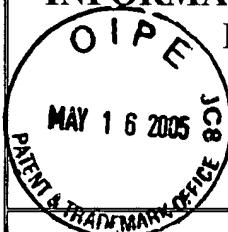
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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). ⁴For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449)			ATTY. DOCKET NO. 55218-0511	SERIAL NO. 09/911,925
			APPLICANT: Ashar Aziz et al.	
			FILING DATE: July 23, 2001	GROUP: 3624



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		Number	Kind Code ² (If known)			
		6,230,200	B1	Forecast et al.	05-08-2001	
		6,381,321	B1	Brown et al.	04-30-2002	
		6,389,432	B1	Pothapragada et al.	05-14-2002	
		6,446,141	B1	Nolan et al.	09-03-2002	
		6,466,559	B1	Johansson et al.	10-15-2002	
		6,505,229	B1	Turner et al.	01-07-2003	
		6,597,956		Aziz et al.	07-22-2003	
		6,779,016	B1	Aziz et al.	08-17-2004	

FOREIGN PATENT DOCUMENTS

Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (If known)				
		EP	0 750 256	A2	Data General Corporation	12-27-1996		
		EP	0 791 881	A1	Compaq Computer Corporation	08-27-1997		
		EP	0 905 621	A1	Lucent Technologies Inc.	03-31-1999		
		EP	0 917 056	A2	Digital Equipment Corporation	05-19-1999		
		EP	0 935 200	A1	NCR International Corporation	08-11-1999		
		WO	97/49214	A1	Netsys Technologies, Inc.	12-24-1997		
		WO	99/57957	A2	Apple Computer, Inc.	11-18-1999		
		WO	00/29954	A1	MTI Technology Corporation	05-25-2000		

Examiner Signature		Date Considered	
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Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)		ATTY. DOCKET NO. 55218-0511	SERIAL NO. 09/911,925
		APPLICANT: Ashar Aziz et al.	
		FILING DATE: July 23, 2001	GROUP: 3624

OTHER ART – NO PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation ²
		Fox, Armando, et al., "Cluster-Based Scalable Network Services," pp. 78-91, Operating Systems Review (SIGOPS), US, ACM Headquarter, New York, Vol. 31, No. 5, December 1, 1997, XP-000771023.	
		Harold, Elliotte Rusty, "XML: Extensible Markup Language," 1998, pp. 1-431.	
		Muller, Nathan J., "Design and Conquer," October 1996, BYTE, vol. 21, no. 10, XP 000683573, pp. 93-98.	
		Prud'hommeaux, Eric, "XML-based HTTP Server Configuration Language," http://www.w3.org/1999/07/9-http-server-conf.html , September 7, 1999, XP-002152599, pp. 1-5.	
		Short, Rob, et al., "Windows NT Clusters for Availability and Scalability," 1997 IEEE, pp. 8-13.	
		Vingralek, Radek, et al., "Snowball: Scalable Storage on Networks of Workstations with Balanced Load," pp. 117-156, Distributed and Parallel Databases, Vol. 6, no. 2, April 1998, XP-002162201.	

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